

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

JOSEPH D. GILBERTI PE

PLAINTIFF

V.

CIVIL ACTION NO. 3:25-CV-123-KHJ-ASH

JPMORGAN CHASE & CO., et al.

DEFENDANTS

ORDER

This case is “one of dozens filed by plaintiff Joseph D. Gilberti in federal courts around the country in recent months.” Order at 1, *Gilberti v. CIA*, No. 0:25-CV-536 (D. Minn. Feb. 18, 2025), ECF No. 5. The Court dismisses it sua sponte for lack of subject-matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3).

In the main, Gilberti’s [1] Complaint alleges a wide-ranging conspiracy to hide an endless, contaminant-free water supply. *See, e.g.*, [1] at 2, 21.¹ It names hundreds of Defendants (including NASCAR, the Archdiocese of Indianapolis, and many judges who have dismissed Gilberti’s cases for lack of subject-matter jurisdiction). *See id.* at 1–2. And it raises civil-rights, RICO, and FTCA claims (among others). *Id.* at 17–24.

But some federal-law claims “are so insubstantial, implausible, or otherwise completely devoid of merit as not to involve a federal controversy.” *Atakapa Indian de Creole Nation v. Louisiana*, 943 F.3d 1004, 1006 (5th Cir. 2019) (cleaned up).

¹ *See also, e.g., id.* at 14–15 (alleging a plot to hide “secret underground critical National Defense Resources of ‘Blue Gold’ . . . or ready to drink Alkaline Spring Water from Earth not Manmade . . . 2000ft below the plaintiff’s Sarasota land”); *id.* at 2 (claiming the existence of a “Primary Water Supply from Earth’s Core Found by Plaintiff”).

“Federal courts lack power to entertain these wholly insubstantial and frivolous claims.” *Id.* (cleaned up). A claim is “wholly insubstantial and frivolous” if it is “obviously without merit.” *Id.* (cleaned up).

This Court “agrees with the other district and circuit courts that have considered Gilberti’s claims—they are patently insubstantial, essentially fictitious, and obviously without merit.” *Gilberti v. Council of Nat’l Def.*, No. 8:24-CV-1575, 2024 WL 3548904, at *2 (M.D. Fla. July 26, 2024); *see also id* at *1 (collecting ten cases that dismissed Gilberti’s similar claims for lack of subject-matter jurisdiction).² Because the [1] Complaint’s claims are “entirely frivolous,” the Court “lack[s] power to entertain them.” *Atakapa Indian de Creole Nation*, 943 F.3d at 1006. So the Court dismisses this case without prejudice. *See* Fed. R. Civ. P. 12(h)(3).

The Court has considered all arguments. Those not addressed would not have changed the outcome. For the stated reasons, the Court DISMISSES this action without prejudice. It also certifies that an appeal would “not [be] taken in good faith,” 28 U.S.C. § 1915(a)(3), so Gilberti may not appeal *in forma pauperis*. The Court will enter a separate final judgment consistent with this Order.

SO ORDERED, this 28th day of February, 2025.

s/ Kristi H. Johnson
UNITED STATES DISTRICT JUDGE

² *See also, e.g., Gilberti v. Pentagon*, No. 22-1854, 2023 WL 2184384, at *1 (4th Cir. Feb. 23, 2023) (per curiam), *cert. denied*, 144 S. Ct. 355 (2023), *reh’g denied*, 144 S. Ct. 631 (2024).